

Serial No.: 09/651,307
Examiner: Philpott, Justin M.

Remarks

A Notice of Non-Compliant Amendment was received in regard to the amendment submitted June 28, 2004, with the objection that claim 29 (it should have said claim 28) was not presented. There was no claim 28 in the original application filed with the Office. The Legal Instruments Examiner indicated that the solution is to renumber all of claims 29-54. It seems to Applicant that this would introduce confusion in examining and arguing the claims previously acted on and addressed. To avoid this, Applicant has proposed in this amendment inserting a new claim, proposed in the non-compliant amendment as claim 54, as claim 28.

Claims 1-53 remain in this application. Claims 1, 3, 15, 30-31, 38, and 46 have been amended.

Claims 31-33 were objected to. Applicants appreciate the observation made by the Examiner and have amended claim 31 accordingly.

Claim 3 was rejected under 35 USC 112 because of the reference to protocol Q.931 without more specifics. Claim 3 has been amended so as to be greatly changed, and it no longer makes reference to the protocol.

Claims 1 and 4-7 have been rejected under 35 USC 102(e) as being anticipated by Miller, et al. (US 6,324,183). Claim 1 has been amended to more distinctly claim Applicants' invention. The claim now describes the "peer-to-peer protocol adaptation (PPA) structure operable to generate and transmit messages to said signaling protocol structure and to said IP-based protocol structure and to receive and process messages from said protocol structures, thereby performing signaling processing with the IP-based protocol structure and with the signaling protocol structure locally within the network element." Miller does not show such a structure.

The Miller reference shows "transport of messages between SS7 network elements using an STP as an intermediary" (column 5, line 37). The implementation of this is shown in Miller Fig. 17 where an IP message is created by (step 1620) stripping the MTP part from an SS7 message and adding an IP network layer (step 1640). In Fig. 18, an SS7 message is created by stripping out the IP network layer (step 1720) and attaching MTP (1740). Apparently Miller does not use MTP3 routing, since this layer is stripped away.

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Miller does not show a network element having the kinds of protocol levels described in connection with Applicants' Figs 6 - 14. Moreover, Applicants have described in connection with those figures an adaptation layer structure receiving, interpreting and formulating messages back and forth with the adjacent MTP3 layer and an SCTP layer, so as to perform signaling processing, as detailed in connection with the various figures. That is, the claimed PPA adaptation layer performs signaling processing on messages or primitives from MTP3 and from the SCTP layer. Miller does not have such processing between such claimed layer structures. By contrast, Miller is just a format translation device, placing SCCP and TCAP portions of an SS7 message in a TCP layer and adding an IP layer for IP transport.

Accordingly, it is submitted that claims 1 and 4-7, as amended, are not anticipated by Miller.

Claims 2 and 3 have been rejected under 35 USC 103(a) as being unpatentable over Miller. Referring to claim 1 as amended, it is submitted that there is no suggestion in Miller of the adaptation structure described in Applicants' specification and claimed in claim 1 as amended. The problem addressed by Miller is SS7/IP transport using an STP; the reference does not address the problem of signaling processing in an IP device or suggest any solution therefor. Accordingly, it is submitted that claims 2 and 3, dependent on claim 1, are not obvious in view of Miller.

Claims 8, 9, 14, 15, 23, 26, 30, 38 and 46-48 are rejected under 35 USC 103(a) as being unpatentable over Miller in view of Applicants' admitted prior art.

Claims 8, 9, and 14, dependent on claim 1. It is submitted that the features of claim 1 as amended are not shown or suggested by Miller and Applicants' admitted prior art. For this reason, it is submitted that the invention of claims 8, 9, and 14 are not obvious in view of Miller and Applicants' admitted prior art.

Claims 15, 30 and 38 have been amended in an attempt to more distinctly express that the peer-to-peer protocol adaptation (PPA) structure is active to interwork with the MTP3 layer and with the SCTP protocol and to thereby provide a processing interface between them. As stated above, it is submitted that this structure is not shown or suggested by Miller, nor is there anything in Applicant's prior art to suggest the claimed interworking adaptation layer structure.

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Accordingly, it is submitted that the invention of claims 15, 30 and 38 is not obvious in view of by Miller and Applicants' admitted prior art.

Claims 23 and 26 have not been amended, because it is believed they sufficiently describe the inventive interworking adaptation layer not shown or suggested by Miller and Applicants' admitted prior art. For this reason, it is submitted that the invention of claims 23 and 26 are not obvious in view of by Miller and Applicants' admitted prior art.

Claims 46-48 have been amended to recite that the M2PA structure in one of the nodes receives a message from the MTP3 structure in the node, requesting a selected sequence number; then the M2PA structure determines the selected sequence number, by locating the first gap in selected messages, and the messages exchanged are in response to this determination. Such interworking steps are not shown or suggested by Miller and Applicants' admitted prior art. For this reason, it is submitted that the invention of claims 46-48 are not obvious in view of by Miller and Applicants' admitted prior art.

Claims 10-13, 16-22, 24, 25, 27, 29, 34-37, 42-45, 49 and 50 have been rejected under 35USC 103(a) as being unpatentable over Miller in view of Applicants' admitted prior art and further in view of Kabay, et al. (US 5,949,871).

Claims 10-13 are dependent on claim 1; claims 16-22 are dependent on independent claim 15; claims 24, 25, 27, 29 are dependent on independent claim 23; claims 34-37 are dependent on independent claim 30; claims 42-45 are dependent on independent claim 38; and claims 49 and 50 are dependent on independent claim 46. Adding to the statements made hereinabove, the independent claims 1, 15, 23, 30, 38, and 46, with amendments if any, are believed to describe an inventive interworking adaptation layer not shown or suggested by Miller and Applicants' admitted prior art, nor by the teachings of Kabay with respect to Link Status. Accordingly, it is submitted that claims 10-13, 16-22, 24, 25, 27, 29, 34-37, 42-45, 49 and 50 are not obvious with respect to Miller in view of Applicants' admitted prior art and further in view of Kabay.

Claims 31-33, 39-41 and 51-53 have been rejected under 35USC 103(a) as being unpatentable over Miller in view of Applicants' admitted prior art and further in view of Farris et al. (US 6,154,445).

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Claim 31-33 are dependent on independent claim 30; claim 39-41 are dependent on independent claim 38; claims 51-53 are dependent on independent claim 46. Adding to the statements made hereinabove, the independent claims 30, 38, and 46, all as amended, are believed to describe an inventive interworking adaptation layer not shown or suggested by Miller and Applicants' admitted prior art. While Farris et al. may provide teachings with respect to redundant packet switched networks and moving paths based on voice quality, it is submitted that Farris et al. offers no teaching of the invention of claims 30, 38, and 46, either by itself or taken together with Miller and Applicants' admitted prior art. Accordingly, it is submitted that claims 31-33, 39-41 and 51-53 are not obvious with respect to Miller in view of Applicants' admitted prior art and further in view of Farris et al.

New claim 28 is believed allowable for the reasons given in connection with claim 15 from which it depends.

It is believed that the foregoing amendment places the Application in condition for allowance; therefore, Applicant respectfully requests withdrawal of the Examiner's rejection of claims 1-53, for the reasons given above, and allowance of same, along with new claim 28. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Respectfully submitted,

Date:

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